

PXO-U

SCOTT BEASON

<p>1 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION</p> <p>2 CASE NUMBER: 2:65-CV-00396-MHH</p> <p>3 LINDA STOUT, et al., Plaintiffs, vs. UNITED STATES OF AMERICA, Plaintiff-Intervenor vs. JEFFERSON COUNTY BOARD OF EDUCATION, Defendant, GARDENDALE CITY BOARD OF EDUCATION, Defendant-Intervenor.</p> <p>4 VIDEOTAPED DEPOSITION OF SCOTT BEASON March 18, 2016</p> <p>5 REPORTED BY: J. Ashley Arrowood, CSR, RPR Henderson & Associates Court Reporters 5 North Royal Street - Suite 200 Mobile, Alabama 36602</p>	<p>1 S T I P U L A T I O N S (Continued)</p> <p>2 IT IS FURTHER STIPULATED AND AGREED that it 3 shall not be necessary for any objections except as to 4 form or leading questions, and that counsel for the 5 parties may make objections and assign grounds at the 6 time of the trial, or at the time said deposition is 7 offered in evidence or prior thereto</p> <p>8 IT IS FURTHER STIPULATED AND AGREED that the 9 notice of filing of the deposition by the Commissioner 10 is waived</p> <p>11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>2 4 APPEARANCES</p> <p>3 APPEARING ON BEHALF OF THE PLAINTIFFS: 4 NAACP Legal Defense & Educational Fund, Inc 5 Ms Monique N Lin-Luse and Mr Christopher Wilds 6 40 Rector Street, 5th Floor 7 New York, New York 10006 8 -and- 9 White, Arnold & Dowd, P C 10 Mr U W Clemon 11 2025 3rd Avenue North 12 Suite 500 13 Birmingham, Alabama 35203 14 15 APPEARING ON BEHALF OF THE PLAINTIFF-INTERVENOR: 16 U S Department of Justice 17 Civil Rights Division 18 Educational Opportunities Section 19 Ms Natane Singleton (via telephone) 20 950 Pennsylvania Avenue, N W 21 Washington, D C 20530 22 23 24 25</p>

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<p style="text-align: center;">5</p> <p>1 APP E A R A N C E S (continuing:)</p> <p>2</p> <p>3 APPEARING ON BEHALF OF THE DEFENDANT:</p> <p>4 Bishop, Colvin, Johnson & Kent, LLC</p> <p>5 Mr Whit Colvin</p> <p>6 1910 1st Avenue North</p> <p>7 Birmingham, Alabama 35203</p> <p>8</p> <p>9 APPEARING ON BEHALF OF THE DEFENDANT-INTERVENOR:</p> <p>10 Adams and Reese, LLP</p> <p>11 Mr Stephen A Rowe</p> <p>12 1901 6th Avenue North</p> <p>13 Suite 3000</p> <p>14 Birmingham, Alabama 35203</p> <p>15</p> <p>16 ALSO PRESENT:</p> <p>17 Dr Patrick Martin</p> <p>18 Mr Joey Watson - Videographer</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">7</p> <p>1 I, J. Ashley Arrowood, CSR, RPR, a Court</p> <p>2 Reporter and Notary Public of the State of Alabama,</p> <p>3 acting as Commissioner, do certify that on this date,</p> <p>4 as provided by the Alabama Rules of Civil Procedure</p> <p>5 and the foregoing stipulation of counsel, there came</p> <p>6 before me at White, Arnold & Dowd, 2025 3rd Avenue</p> <p>7 North, Birmingham, Alabama, on March 18, 2016, beginning</p> <p>8 at 1:54 p.m., SCOTT BEASON, witness in the above cause</p> <p>9 for oral examination, whereupon the following</p> <p>10 proceedings were had:</p> <p>11 THE VIDEOGRAPHER: This marks the</p> <p>12 beginning of Tape No. 1 in the deposition of Scott</p> <p>13 Beason. We're on the record, 1:54 p.m., March 18th,</p> <p>14 2016, in the matter of Stout v. Jefferson County Board</p> <p>15 of Education, Case No. 2:65-CV-00396-MHH in the United</p> <p>16 States District Court for the Northern District of</p> <p>17 Alabama, Southern Division.</p> <p>18 Would attorneys present please identify</p> <p>19 who they represent?</p> <p>20 MR. COLVIN: Whit Colvin for the</p> <p>21 Jefferson County Board of Education.</p> <p>22 MR. WILDS: Chris Wilds, legal fellow for</p> <p>23 the plaintiffs.</p> <p>24 MS. LIN-LUSE: Monique Lin-Luse for the</p> <p>25 plaintiffs.</p>
<p style="text-align: center;">6</p> <p>1 I N D E X</p> <p>2 PAGE:</p> <p>3 EXAMINATION BY MR. CLEMON: 9</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 INDEX OF EXHIBITS</p> <p>19</p> <p>20 Exhibit 1 9</p> <p>21 Exhibit 2 10</p> <p>22 Exhibit 3 29</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">8</p> <p>1 MR. CLEMON: U. W. Clemon for the</p> <p>2 plaintiff.</p> <p>3 MR. ROWE: Steve Rowe for Gardendale</p> <p>4 Board of Education.</p> <p>5 THE VIDEOGRAPHER: And by telephone?</p> <p>6 MS. LIN-LUSE: Natane?</p> <p>7 MR. ROWE: Natane Singleton for DOJ. I</p> <p>8 mean, that's easy --</p> <p>9 MS. SINGLETON: I am here now. I think</p> <p>10 you previously muted yourself. And I can press my own</p> <p>11 mute button --</p> <p>12 MS. LIN-LUSE: Perfect.</p> <p>13 MS. SINGLETON: -- so you won't hear</p> <p>14 me --</p> <p>15 MS. LIN-LUSE: Perfect.</p> <p>16 MS. SINGLETON: -- okay?</p> <p>17 MS. LIN-LUSE: Okay.</p> <p>18 THE VIDEOGRAPHER: Would the court</p> <p>19 reporter please swear in the witness?</p> <p>20 THE COURT REPORTER: If you would, raise</p> <p>21 your right hand.</p> <p>22</p> <p>23 SCOTT BEASON,</p> <p>24 having been first duly sworn, was examined and testified</p> <p>25 as follows:</p>

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<p style="text-align: center;">9</p> <p>1 EXAMINATION BY MR. CLEMON:</p> <p>2 Q. Good afternoon, Senator Beason.</p> <p>3 A. Judge, how are you?</p> <p>4 Q. I'm fine, thank you. You appear here</p> <p>5 this afternoon in -- in obeyance to a subpoena that was</p> <p>6 served on you?</p> <p>7 A. Correct.</p> <p>8 Q. And prior to receiving the subpoena, did</p> <p>9 you receive a letter from the NAACP Legal Defense Fund</p> <p>10 which I'm going to offer as Plaintiff's Exhibit 1? And</p> <p>11 I'll just show it to you.</p> <p>12 (Whereupon, Exhibit 1 was</p> <p>13 marked for identification.)</p> <p>14 Q. (BY MR. CLEMON:) Did you receive this</p> <p>15 letter?</p> <p>16 A. I thought it came at the same time.</p> <p>17 Q. Okay. All right.</p> <p>18 A. I thought it came at the same -- I</p> <p>19 think they delivered it to me when they delivered the</p> <p>20 subpoena.</p> <p>21 Q. All right. And you've read it?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And did you, pursuant to the terms of</p> <p>24 that subpoena, produce these documents which will be</p> <p>25 identified as Plaintiff's Exhibit 2?</p>	<p style="text-align: center;">11</p> <p>1 from Gardendale in 1987.</p> <p>2 Q. Gardendale High School?</p> <p>3 A. Yes, sir.</p> <p>4 Q. All right. And you received a bachelor's</p> <p>5 degree in geology from the University of Alabama?</p> <p>6 A. Yes, sir.</p> <p>7 Q. That was in 1991?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And did you -- did you have a job when</p> <p>10 you were in college?</p> <p>11 A. The job I had when I was in college is</p> <p>12 when I went to graduate school. I taught graduate</p> <p>13 Geology Lab, 101 Geology Lab, when I was doing --</p> <p>14 working on my master's.</p> <p>15 Q. I see. Did you get a master's?</p> <p>16 A. I did not finish. I took a job with</p> <p>17 Rust Environment & Infrastructure.</p> <p>18 Q. All right. And how long did you stay</p> <p>19 with Rust?</p> <p>20 A. Until -- my boss there started his own</p> <p>21 business, and I left with him. So I was in the</p> <p>22 environmental consulting business until fall of '97,</p> <p>23 maybe --</p> <p>24 Q. I see.</p> <p>25 A. -- something like that.</p>
<p style="text-align: center;">10</p> <p>1 A. Yes, sir, to the best of my ability.</p> <p>2 (Whereupon, Exhibit 2 was</p> <p>3 marked for identification.)</p> <p>4 THE WITNESS: You want me to keep them?</p> <p>5 MR. CLEMON: No. The court reporter</p> <p>6 will.</p> <p>7 THE WITNESS: Oh, okay.</p> <p>8 Q. (BY MR. CLEMON:) Senator, would you tell</p> <p>9 us your full name?</p> <p>10 A. Jason Scott Beason.</p> <p>11 Q. And what is your address?</p> <p>12 A. [REDACTED],</p> <p>13 Alabama.</p> <p>14 Q. Where were you born, Senator?</p> <p>15 A. Hartselle, Alabama.</p> <p>16 Q. That's in Morgan County?</p> <p>17 A. I couldn't tell you which county it's</p> <p>18 in. I mean, I was only there when I was born.</p> <p>19 Q. I see. Where did you grow up?</p> <p>20 A. I grew up in Gardendale. We moved to</p> <p>21 Gardendale when I was, I think, seven years old.</p> <p>22 Q. I see. And did you go to elementary</p> <p>23 school in Gardendale?</p> <p>24 A. I went to Gardendale Elementary School</p> <p>25 and started there as a third grader, and I graduated</p>	<p style="text-align: center;">12</p> <p>1 Q. And all this time you were living in</p> <p>2 Gardendale?</p> <p>3 A. Yes, sir. Well, we moved back. My</p> <p>4 wife and I got married and lived in Tuscaloosa. And</p> <p>5 then when I took a job at Rust, we moved back to</p> <p>6 Gardendale.</p> <p>7 Q. All right. And do you recall what year</p> <p>8 that was?</p> <p>9 A. No, sir. I could think about it, but</p> <p>10 it was '93, '94, something like that.</p> <p>11 Q. I see. What is your current occupation</p> <p>12 or profession?</p> <p>13 A. I host a radio show. I am the senior</p> <p>14 policy advisor called -- for a group called The</p> <p>15 Alabama Free Market Alliance. And then I do some</p> <p>16 consulting work. I have a little LLC.</p> <p>17 Q. All right. What is the Alabama</p> <p>18 consulting alliance?</p> <p>19 A. The Alabama Free Market Alliance is a</p> <p>20 small, little conservative economics group that</p> <p>21 promotes lower taxes, smaller government, that kind of</p> <p>22 thing.</p> <p>23 Q. I see. And how long have you had that</p> <p>24 business?</p> <p>25 A. They asked me to help them just a</p>

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<p style="text-align: center;">13</p> <p>1 little while after I got out of the senate. I say a 2 little -- probably -- yeah, after my term would have 3 ended in the senate.</p> <p>4 Q. That would have been sometime in 2014?</p> <p>5 A. Let's see. When did I get out? Yeah. 6 I would have ended in November of '14. So I probably 7 started with them in the spring of '15.</p> <p>8 Q. I see. Do they have an office here in 9 Birmingham?</p> <p>10 A. No. It's Paul Reynolds, it's his 11 group, and I think they just kind of do it as a -- as 12 their -- it's just one of the things they do.</p> <p>13 Q. I see. Do you work out of your home?</p> <p>14 A. Yes, sir.</p> <p>15 Q. All right.</p> <p>16 A. Well, for the most part, yes.</p> <p>17 Q. All right.</p> <p>18 A. I'm my own shop all the way around.</p> <p>19 Q. Good. And you say you're a talk show 20 host?</p> <p>21 A. Yes, sir.</p> <p>22 Q. What radio station is that?</p> <p>23 A. WYDE.</p> <p>24 Q. And that's here in Birmingham?</p> <p>25 A. The station itself is in Birmingham.</p>	<p style="text-align: center;">15</p> <p>1 Q. And what's your wife's name?</p> <p>2 A. Lori, L-o-r-i.</p> <p>3 Q. And does she work outside the home?</p> <p>4 A. No. She's a stay-at-home mom.</p> <p>5 Q. All right. And you have three kids?</p> <p>6 A. I do.</p> <p>7 Q. What are their names and ages?</p> <p>8 A. Keller, who is 16; Merritt, who is 12; 9 and Mac -- McCalan, who is 9.</p> <p>10 Q. All right. Keller is at Gardendale High?</p> <p>11 A. He's at Gardendale High School. He's a 12 tenth grader.</p> <p>13 Q. And Merritt?</p> <p>14 A. She is a seventh grader at Bragg, which 15 is Gardendale's junior high.</p> <p>16 Q. All right. And Mac?</p> <p>17 A. Is a third grader at Gardendale 18 Elementary School.</p> <p>19 Q. All right.</p> <p>20 A. He goes to -- he and Merritt go to the 21 same buildings that I went to when I went to school.</p> <p>22 Q. I see. When were you first elected to 23 the Alabama legislature?</p> <p>24 A. 1998.</p> <p>25 Q. And you were elected from a district --</p>
<p style="text-align: center;">14</p> <p>1 The tower is in Cullman.</p> <p>2 Q. I see. And how often is that show aired?</p> <p>3 A. From 11:00 to 1:00, five days a week, 4 Monday through Friday. And then I think they do a 5 rebroadcast of part of it on the weekend. I don't 6 even know when that is.</p> <p>7 Q. Is this a call-in-type show?</p> <p>8 A. Yes, sir. It's just a call-in talk 9 radio show.</p> <p>10 Q. All right. And you say it's two hours?</p> <p>11 A. It's two hours everyday. I do one hour 12 by myself, and then the second hour I do with the 13 gentleman who started the show, a gentleman named 14 Cliff Sims. And he comes in, and we do an hour 15 together.</p> <p>16 Q. I see. And how long have you had the 17 show?</p> <p>18 A. I've been doing the show since probably 19 early December of last year. It's really his. I just 20 am the host.</p> <p>21 Q. I see.</p> <p>22 A. He pays me.</p> <p>23 Q. When did you get married?</p> <p>24 A. Let's see. This is one of those 25 that'll get me in trouble. 1992.</p>	<p style="text-align: center;">16</p> <p>1 the House of Representatives?</p> <p>2 A. Yes, sir.</p> <p>3 Q. What district was it?</p> <p>4 A. I think that term it was 50.</p> <p>5 Q. Well, yeah, the numbers sometimes change.</p> <p>6 A. Right. Right. Right.</p> <p>7 Q. So what area -- what area were you?</p> <p>8 A. North Jefferson County.</p> <p>9 Q. All right. And that would include 10 Gardendale?</p> <p>11 A. It went from Gardendale to Clay.</p> <p>12 Q. I see.</p> <p>13 A. So I represented all of North Jefferson 14 County. Clay and Gardendale were my two biggest 15 municipalities.</p> <p>16 Q. How long were you in the Alabama House of 17 Representatives?</p> <p>18 A. Eight years, two terms.</p> <p>19 Q. Did you chair any committees in the 20 House?</p> <p>21 A. Not at that time. Republicans were 22 nowhere close to chairing committees. And I was new, 23 too, so --</p> <p>24 Q. All right. And you were subsequently 25 elected to the Alabama Senate?</p>

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<p style="text-align: center;">17</p> <p>1 A. Yes, sir. 2 Q. When were you first elected to the 3 Alabama Senate? 4 A. 2006. 5 Q. All right. And what communities did you 6 represent as a senator? 7 A. That district was almost all of Blount 8 County. In Jefferson County it went from the Corner 9 area over there -- on 78 all the way across to 10 Clay/Trussville area, still my same House district, 11 and then half of St. Clair County. 12 Q. I see. But was Gardendale included -- 13 A. Yeah, Gardendale was in there. 14 Q. -- in that central -- 15 A. I think in my senate district -- the 16 first time I had some of Fultondale. 17 Q. I see. During your first term in the 18 Alabama Senate, did you hold any positions? 19 A. No, sir. 20 Q. And in the second term? 21 A. I did hold a position in the second 22 term. 23 Q. And what was that? 24 A. That was Rules. 25 Q. You were the --</p>	<p style="text-align: center;">19</p> <p>1 a lot together. 2 Q. Yeah. 3 A. The district I represented, the cities 4 for the most part kind of tried to do their own thing. 5 Q. I see. 6 A. If they had a problem, I would try to 7 help them -- 8 Q. I see. 9 A. -- as far as a big project or -- you 10 know, some -- some legislators were always being 11 called by their cities. 12 Q. Yeah. 13 A. But, I mean, I worked with them if they 14 needed me for something, if they called me and asked, 15 but I was not one of those to always be there saying, 16 hey -- 17 Q. Yes. Who is the mayor of Gardendale? 18 A. Now it's Stan Hogeland. 19 Q. And how long has he been mayor? 20 A. Maybe a year. 21 Q. I see. 22 A. I don't even know when -- the former 23 mayor went to work for David Carrington in Jefferson 24 County. 25 Q. And who is that?</p>
<p style="text-align: center;">18</p> <p>1 A. I was Rules chairman for one year. 2 Q. -- chairman for one year? We're members 3 of the same club. 4 A. You got to stay there longer probably. 5 Q. And when did your position in the state 6 senate end? 7 A. I left in 2014. 8 Q. All right. Do you presently hold any 9 elective office? 10 A. No, sir. I'm recovering. 11 Q. All right. Do you, Senator, know the 12 members -- the present members of the Gardendale City 13 Council? 14 A. Yes, sir. 15 Q. All of them? 16 A. I know some of them better than -- than 17 others. 18 Q. Others, but you know all of them? 19 A. Uh-huh, I'm acquainted with all of 20 them. 21 Q. All right. Have you worked with -- with 22 them on various city matters during the time both when 23 you were a senator and now? 24 A. You know, they really never -- I 25 couldn't point to one specific thing that we worked on</p>	<p style="text-align: center;">20</p> <p>1 A. Othell Phillips. 2 Q. And how long was Mr. -- was Mayor 3 Phillips -- how long did he serve? 4 A. I couldn't tell you exactly. 5 Probably -- I don't know if he was re-elected once or 6 twice. So six to eight years. 7 Q. I see. And who was mayor before then? 8 A. Kenny Clemons. 9 Q. All right. 10 A. I think that's right. Yeah, I think 11 it's Clemons. 12 Q. All right. And did you from time to time 13 work with these mayors on problems that they came to see 14 you about in your capacity as their representative? 15 A. I cannot think of some -- a problem 16 that Gardendale had -- I think the only time -- I 17 can't think of a problem that they called and asked me 18 to fix. 19 Q. I see. I see. Are you a member of the 20 Gardendale Rotary Club? 21 A. I was a honorary member for a little 22 while. 23 Q. All right. 24 A. I'm not now. 25 Q. All right. Was that -- during the time</p>

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<p style="text-align: center;">21</p> <p>1 that you were honorary member, did you attend any of the 2 meetings?</p> <p>3 A. Yeah, a couple.</p> <p>4 Q. And as a senator, did you from time to 5 time speak at the rotary club?</p> <p>6 A. If I was invited, I probably did, there 7 or the Chamber of Commerce, either one.</p> <p>8 Q. All right. But they did invite you from 9 time to time?</p> <p>10 A. I think so.</p> <p>11 Q. Yeah. All right. Is it fair to say, 12 Senator, that you are a strong supporter of the 13 Gardendale schools and have been?</p> <p>14 A. Yes, sir, since -- since -- since 15 before I was ever elected to the legislature.</p> <p>16 Q. Yes, sir.</p> <p>17 A. I was for a Gardendale School System 18 when I ran for the legislature in 1994. And I didn't 19 win, but I was for it way back then.</p> <p>20 Q. All right.</p> <p>21 A. And I was only 24 years old then.</p> <p>22 Q. Now, you say you were for a Gardendale 23 School System. You mean at that time you felt that 24 Gardendale should have a separate school system?</p> <p>25 A. Uh-huh.</p>	<p style="text-align: center;">23</p> <p>1 Williams donates paint supposedly. Now, this is the 2 story. And, you know, there's no money to paint the 3 schools, so parents and coaches and dads, you know, 4 paint the school.</p> <p>5 And then lo and behold, just a little 6 while later, some other school is getting painted with 7 taxpayer money. You're like, well, wait a minute. 8 Why are we painting it ourselves if there's money to 9 paint other places?</p> <p>10 So, you know, it's that whole thing 11 that you can do better things in your town if you 12 don't have to go to somebody else and ask.</p> <p>13 Q. It was sort of a matter of local control?</p> <p>14 A. Yes, sir.</p> <p>15 Q. All right. And have you, over the years 16 in your representative capacity in the House and Senate, 17 at various times contacted the state superintendent of 18 education about Gardendale education matters?</p> <p>19 A. Trying to break away?</p> <p>20 Q. Well, we'll come to that.</p> <p>21 A. Okay.</p> <p>22 Q. But even before then.</p> <p>23 A. I can't think of ever contacting the 24 state --</p> <p>25 Q. Okay.</p>
<p style="text-align: center;">22</p> <p>1 Q. All right. And why is that? What was --</p> <p>2 A. Well, I mean, I had just been out of 3 Gardendale for a few years. And if you just think 4 about the way things had always been run by the 5 county, from my point of view, even being a student, 6 was that everything required permission from somebody 7 else that you didn't even know.</p> <p>8 I mean, there was a time -- and I don't 9 even know if it's the same way -- if you were hot in 10 the classroom or the school was hot, you had to ask 11 permission from downtown for them to turn the 12 air-conditioner on. All those kinds of things were 13 remotely done supposedly.</p> <p>14 If you needed to have something fixed, 15 you had to call the county. If you needed to -- if 16 somebody wanted to borrow the gym for some kind of 17 event, you had to go down and ask the county. And I 18 always thought that it would be better for us to 19 manage our own thing.</p> <p>20 Q. Yeah.</p> <p>21 A. I mean, I can remember when the -- when 22 the school had to be painted. Now, this is the school 23 that was torn down.</p> <p>24 Q. Yes, sir.</p> <p>25 A. Needed to be painted, and Sherwin</p>	<p style="text-align: center;">24</p> <p>1 A. -- the state superintendent about --</p> <p>2 Q. How about Joe Martin when he was 3 superintendent?</p> <p>4 A. I don't remember talking to Joe about a 5 Gardendale issue.</p> <p>6 Q. Okay. And how about -- well, Tommy Bice 7 seceded him as superintendent?</p> <p>8 A. He did.</p> <p>9 Q. All right. Have you -- have you talked 10 with Mr. Bice about the separate school system for 11 Gardendale?</p> <p>12 A. I don't believe he and I have 13 personally spoken about Gardendale School System.</p> <p>14 Q. And --</p> <p>15 A. I talked -- I just don't remember 16 talking to Tommy Bice.</p> <p>17 Q. All right. Have you talked with someone 18 in his office about the Gardendale School System?</p> <p>19 A. No. When I went trying to hope that we 20 could be able to break away, I talked to the governor.</p> <p>21 Q. All right.</p> <p>22 A. And then the governor got me to talk to 23 some staff person -- I don't even remember his name -- 24 and then he was going to talk to him.</p> <p>25 Q. All right. The governor got you to talk</p>

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<p style="text-align: right;">25</p> <p>1 with some staff person in the governor's office?</p> <p>2 A. Uh-huh. It was an executive branch</p> <p>3 person.</p> <p>4 Q. All right. All right. So you've had no</p> <p>5 direct contact with Tommy Bice about the formation of --</p> <p>6 A. Not that I can recall --</p> <p>7 Q. -- Gardendale being separate?</p> <p>8 A. -- no, sir.</p> <p>9 Q. All right. I think you've told us about</p> <p>10 the kind of relationship that the Gardendale schools</p> <p>11 have had with the Jefferson County schools over the</p> <p>12 years.</p> <p>13 A. Uh-huh. And -- well, I know I'm only</p> <p>14 supposed to answer what you ask, but, you know, my</p> <p>15 kids go to school there.</p> <p>16 Q. Yes.</p> <p>17 A. And -- and I see just -- you know, just</p> <p>18 the things that I think we could do better as a school</p> <p>19 system if -- if we were our own school system.</p> <p>20 Q. I see.</p> <p>21 A. I mean, a great example we're living</p> <p>22 through right now -- and maybe this is not part of</p> <p>23 what y'all are looking at. And I'm really not sure</p> <p>24 what y'all are looking at. But my oldest son, who</p> <p>25 just turned 16, is in an AP -- AP history class --</p>	<p style="text-align: right;">27</p> <p>1 Regional Education Board, and all these kinds of</p> <p>2 things, and I'm comparing what works to what we do.</p> <p>3 I'm like what is wrong?</p> <p>4 Q. Yeah.</p> <p>5 A. And to get that changed is like trying</p> <p>6 to change a -- they don't care what I think in</p> <p>7 Gardendale, Alabama. But I think if we had a system</p> <p>8 closer to us where I could just say, "Patrick, what</p> <p>9 are we doing." --</p> <p>10 Q. Yeah.</p> <p>11 A. -- he might have a good answer.</p> <p>12 Q. Yeah. So you -- so --</p> <p>13 A. It's just frustration.</p> <p>14 Q. So you never felt that the Gardendale</p> <p>15 citizens had a very productive relationship with the</p> <p>16 Jefferson County Board of Education?</p> <p>17 A. I didn't think it was near as good as</p> <p>18 it could be.</p> <p>19 Q. All right.</p> <p>20 A. And it seems to be -- I remember I did</p> <p>21 talk to -- I don't know if it was Mr. Morton or not.</p> <p>22 But he was talking about -- told me one time -- it had</p> <p>23 nothing to do with Gardendale, nothing.</p> <p>24 And I think we were talking about some</p> <p>25 of the larger -- the systems that were growing in</p>
<p style="text-align: right;">26</p> <p>1 Q. Yes.</p> <p>2 A. -- which the idea is to take the AP</p> <p>3 test, and if you pass it, you get college credit.</p> <p>4 Q. Right.</p> <p>5 A. Well, Jefferson County is running block</p> <p>6 schedule, which everything I read about education,</p> <p>7 most places have quit doing block schedules a long</p> <p>8 time ago. They went back to the old seven class</p> <p>9 periods, and you take math all year.</p> <p>10 Well, he takes AP history, the first</p> <p>11 semester of it, this spring. He might have the second</p> <p>12 semester next spring, which means the things he learns</p> <p>13 in January of this year that are on that AP test --</p> <p>14 Q. Yes.</p> <p>15 A. -- are 15, 16 months before he tries to</p> <p>16 take the test to get some college credit.</p> <p>17 When I personally think if we were</p> <p>18 doing it ourselves -- I mean, maybe that's giving too</p> <p>19 much credit to other folks -- that those kinds of</p> <p>20 things -- because you want kids to pass that AP test.</p> <p>21 Q. Yeah.</p> <p>22 A. And I just see -- and I was on the</p> <p>23 education committee when I was in the House, so I used</p> <p>24 to get all these -- all these letters and newsletters.</p> <p>25 And this is what other states are doing, the Southern</p>	<p style="text-align: right;">28</p> <p>1 Alabama. And he might have just been speaking</p> <p>2 somewhere, talking about how when you look across the</p> <p>3 country, there are almost no systems that have over</p> <p>4 10,000 kids that perform well. And it's partially</p> <p>5 because the bureaucracy grows to such extent.</p> <p>6 And my -- my feeling is that children</p> <p>7 become numbers because they have so many and that I</p> <p>8 think smaller systems care more about Scott or U. W.</p> <p>9 or whoever.</p> <p>10 Q. Yeah.</p> <p>11 A. And that's -- that's my feeling.</p> <p>12 Q. So you've had some concern about</p> <p>13 education over some period of years?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And you know that from time to time there</p> <p>16 have been movements in Gardendale to set up a separate</p> <p>17 school system?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And one of those happened in 1999. Are</p> <p>20 you familiar with that one?</p> <p>21 A. I knew there was a report or a study at</p> <p>22 one time but --</p> <p>23 Q. Let me give you -- this is Plaintiff's</p> <p>24 Exhibit 3.</p> <p>25 A. I tried one time to actually get the</p>

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<p style="text-align: center;">29</p> <p>1 report, but I don't think I ever got it. 2 (Whereupon, Exhibit 3 was 3 marked for identification.) 4 Q. (BY MR. CLEMON:) Well, look at it, and 5 see if that's -- 6 A. Is this just the news story? 7 Q. Yes, that's the news story. -- whether 8 you've seen it before. 9 A. I don't believe I've seen this. 10 Q. Okay. All right. 11 A. Like I said, I tried to get the 12 official report one time. Do y'all have that? 13 Q. We're coming to that. 14 A. Okay. 15 Q. This is -- this is the -- 16 A. Do y'all want me to read this? 17 Q. Yeah, why don't you look at it and see if 18 it -- it says -- 19 A. I know I haven't seen -- I haven't seen 20 the article. 21 Q. -- if it says anything that you know to 22 be untrue. 23 A. Oh, God. That's asking a lot, Judge. 24 What year is this, '99? 25 Q. I take it that you -- you would have</p>	<p style="text-align: center;">31</p> <p>1 Q. But would you -- would you look at what 2 is numbered -- it's actually the fourth page of it. 3 A. Okay. 4 Q. Designated page 43. 5 A. Yes, sir. Got it. 43. 6 Q. And in the next-to-last paragraph, would 7 you read that one? 8 A. Starting with "If"? 9 Q. If, yes. 10 A. Okay. If forced to sum -- if forced to 11 sum this study in one recommendation, it would be it 12 is not the recommendation of this committee to form an 13 independent school system at this time. However, the 14 community should prepare to form one, ready to open in 15 the fall of 2011, in the event the Jefferson County 16 Board of Education is unable to meet the educational 17 expectations of the citizens of Gardendale. 18 Q. And were you aware that this 19 recommendation had been made? 20 A. At the time, no, sir. 21 Q. Yes. All right. 22 A. No, sir. I heard about this comment at 23 some time after that. 24 Q. All right. 25 A. Because this whole time, through both</p>
<p style="text-align: center;">30</p> <p>1 agreed with the council's decision not to form a school 2 system back in 1999? 3 A. I would have. I was not politically 4 close to the leadership of the town at that time. 5 Q. All right. You are familiar with the 6 2005 report, aren't you? 7 A. I don't remember which is which. 8 Q. I'm sorry. That was a terrible -- that 9 was an inaccurate question. 10 You are familiar with the fact that in 11 2005 there was a study and report made by the education 12 committee of the city of Gardendale? 13 A. Is this the second time they studied 14 it? 15 Q. Yeah. 16 A. I don't think I had this report either 17 but -- 18 Q. And that's not the complete report. It's 19 a -- it's a copy of it. But if you would, look at -- 20 it's a copy -- I'm sorry. I'm sorry. That's -- that's 21 not the complete report. It is designated pages from 22 the report. And I can provide you -- 23 A. Okay. 24 Q. -- the full report if you want it. 25 A. No, sir.</p>	<p style="text-align: center;">32</p> <p>1 of these studies, my response has always been -- 2 because I -- personally I think it may have been the 3 first one -- and this is just me thinking -- 4 Q. Yeah. 5 A. -- that the study was set out to come 6 to the conclusion of no -- 7 Q. I see. 8 A. -- purposefully. 9 Q. Yeah. 10 A. It was going to be "no" no matter what 11 and -- in my opinion. 12 Q. And this would be the study that was 13 commissioned by the city council? 14 A. By the city. 15 Q. Yeah. 16 A. And I don't know -- maybe that was the 17 first one. And -- because my question always was if 18 you look at finances, the majority of finances for 19 school systems in our state, majority of it comes from 20 the State. 21 Q. Yeah. 22 A. And then you automatically are able to 23 get your portion from the county, which, unless 24 Gardendale was receiving more funds than it should 25 have been allotted based on per-pupil basises or</p>

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<p style="text-align: center;">33</p> <p>1 however, then we would at least have the amount of 2 money that we were operating our buildings on already. 3 Q. Yeah. 4 A. So I never understood the argument of, 5 well, there's not enough money, there's not enough 6 money. Does that make sense? 7 Q. Yeah. 8 A. So -- 9 Q. Would you look at the last page? 10 A. Oh. 11 Q. And it identifies the committee members. 12 And I'm going to just ask you to review that and see if 13 you personally know any of these persons who served on 14 that committee. 15 A. Now, is this that I know who they are 16 or that I know them at all? 17 Q. Do you know them personally, do you know 18 them at all. 19 A. Okay, if I know who they are. I got 20 it. Got it. 21 Q. Lee Weinman, who is a chairperson. 22 A. I'm supposed to. I recognize the name. 23 I wouldn't recognize the face. 24 Q. You don't really know him personally? 25 A. Is he the historic -- well, you</p>	<p style="text-align: center;">35</p> <p>1 Bill. He's the former mayor's brother. And I think 2 he's -- I think he's in my parents' Sunday School 3 class. 4 Q. And you're a member of Gardendale Baptist 5 Church? 6 A. Yes. 7 Q. Okay. 8 A. Which I've been a member of that church 9 since we moved to Gardendale also. 10 Q. I see. Yeah. Yeah. Hamilton Fraser? 11 A. Don't know him. 12 Q. And Ann Getwan? 13 A. I know who she is. 14 Q. Ron Guin? 15 A. I know Ronnie, uh-huh. He's -- 16 Q. How do you know him? 17 A. He's -- he goes to my church. I guess 18 he still goes to my church. But he's always been a 19 big supporter of things at Gardendale High School. 20 And he's one of the guys that helps gather all the 21 memorabilia and that kind of stuff. He's kind of like 22 a high school historian person. 23 Q. All right. Tracy Hacker? 24 A. I know Tracy Hacker. I went to school 25 with Tracy Hacker.</p>
<p style="text-align: center;">34</p> <p>1 probably don't know. 2 Q. I don't know. 3 A. If he walked in and you told me it's 4 him, I probably would have talked to him. But it's 5 not somebody I would talk to on the phone. 6 Q. Okay. Ron Becker? 7 A. I do know Ron. 8 Q. And how do you know him? 9 A. He's been involved in school system 10 stuff all the time. He actually calls in to my radio 11 show. 12 Q. All right. 13 A. You know, he's been for me when I ran 14 for office before. I mean, I know him. 15 Q. All right. Hazel Butts? 16 A. I do know Hazel. 17 Q. And in what connection? 18 A. She's the crossing guard at the -- or 19 the head crossing guard lady at Gardendale. She's 20 real close to the former mayor and those people and -- 21 Q. All right. 22 A. She's never been a big fan of mine. 23 Q. All right. Bill Clemons? He's not 24 related to me. 25 A. I do know who Bill is, yes. I know</p>	<p style="text-align: center;">36</p> <p>1 Q. And has she been active in the education 2 efforts in Gardendale? 3 A. I don't remember her being involved in 4 any of the -- this latest round. She's got a lot of 5 kids and adopted kids and -- so I'm sure she's busy. 6 Q. All right. Diane Hollis? 7 A. Somebody I probably should know but not 8 necessarily. 9 Q. Kathleen Phillips? 10 A. Kathleen Phillips. Kathleen Phillips. 11 Yes, I think I know Kathleen. Her son used to be in 12 school with -- I think that's her -- used to be in 13 school with my oldest son. 14 Q. I see. Jack Sparks? 15 A. I do know Jack Sparks. He used to work 16 for the county. 17 Q. The county Board of Education? 18 A. Uh-huh. I think a bunch of these 19 people actually used to work for the county or might 20 have been involved with the county Board of Education 21 at one time. 22 Q. All right. And Dr. Sandy Thomas? 23 A. Don't -- don't know her. 24 Q. And Teresa Willis? 25 A. Uh-huh, I know Teresa. I think she's a</p>

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<p style="text-align: right;">37</p> <p>1 real -- was a real estate person in and around the 2 area.</p> <p>3 Q. All right. Are you familiar with No 4 Child Left Behind Act?</p> <p>5 A. Parts of it, yes, sir.</p> <p>6 Q. Yeah. And what do you understand that to 7 be?</p> <p>8 A. Something the federal government should 9 have never done. Depends which aspect you're --</p> <p>10 Q. All right. All right.</p> <p>11 A. I mean, I know it's federal 12 legislation --</p> <p>13 Q. Yeah. Yeah.</p> <p>14 A. -- that required the states to do a lot 15 of different things in its schools. It brought the 16 heavy amounts of testing. I don't know a lot of good 17 that it ever did, but it sounded good when it started.</p> <p>18 Q. Yes. Have any of your Gardendale 19 constituents ever complained that there were too many 20 students in the Gardendale schools from Center Point?</p> <p>21 A. I knew that at one time people were 22 talking about having -- you know, bussing people from 23 other places and that kind of stuff. But I never 24 heard that there were too many folks from Center 25 Point.</p>	<p style="text-align: right;">39</p> <p>1 A. I do not recall that. Who would I have 2 called to say that to, I mean, that we had too many 3 people from Center Point? I really don't.</p> <p>4 Q. Well, do you --</p> <p>5 A. If you can help me, I'll try to --</p> <p>6 Q. Well, it probably would have been someone 7 in the superintendent -- the Jefferson County 8 superintendent's office.</p> <p>9 A. I've never -- that I recall I've never 10 talked to anybody -- even when I talked to -- I think 11 the only superintendent I talked to down there is 12 Dr. Pouncey. And he was asking me about different 13 things. And if I brought anything up about Center 14 Point, as far as I know it would be about the fact 15 that we do have some issues at the elementary school.</p> <p>16 But the only thing that I've ever heard 17 about Center Point that I could have relayed would be 18 the things about the problems with -- at the junior 19 high. But that's not the -- that's not the crowding 20 problem. So I'm trying to understand --</p> <p>21 Q. All right. The problem with -- about 22 Center Point students at the junior high level, you 23 heard about that?</p> <p>24 A. Yeah, only the thing about disciplinary 25 problems. But I don't recall having an issue with --</p>
<p style="text-align: right;">38</p> <p>1 I think our only overcrowded school 2 is -- is the elementary school which is one of the 3 questions I've never understood either, is we had Snow 4 Rogers, which it looked like enrollment was dropping. 5 And y'all probably looked at this. So I never 6 understood -- because my kids are in the elementary 7 school -- why it's packed to the gills. I think it's, 8 you know, overcapacity while we had other schools 9 right in our area that were undercapacity.</p> <p>10 Q. Okay. I see. So you -- you have never 11 told any officials of the Jefferson County School Board 12 that some of your constituents were concerned about the 13 excessive Center Point -- Center Point students?</p> <p>14 A. Only thing I've ever heard anybody say 15 that I can think about people from Center Point was 16 some people were asking or questioning some of the 17 disciplinary issues that were on the bus coming from 18 Center Point because one of the principals apparently 19 had to ride that bus from time to time.</p> <p>20 Q. I see. All right.</p> <p>21 A. But that's all I recall about a Center 22 Point effort.</p> <p>23 Q. Yes, sir. Yes, sir. The question is: 24 Did you ever contact anyone at the county Board of 25 Education about that problem?</p>	<p style="text-align: right;">40</p> <p>1 because I've been one of the people who has been 2 for -- I was for the Accountability Act. I'm for 3 people being able to go to better schools.</p> <p>4 Q. Yeah.</p> <p>5 A. So that's where I'm trying to 6 understand where we're going.</p> <p>7 Q. So if -- if you talked with Dr. Pouncey 8 about Center Point students, it wasn't in connection --</p> <p>9 A. Yeah. I don't even -- I don't remember 10 that conversation, but if you make it really clear to 11 me, I can help you.</p> <p>12 Q. Well, I don't -- I wasn't there. I'm 13 just --</p> <p>14 A. Right.</p> <p>15 Q. -- asking.</p> <p>16 But you're not denying that you may have 17 talked to him about --</p> <p>18 A. I talked to Dr. Pouncey about hoping 19 that we can get out of the system for sure. And, you 20 know, what -- I don't know what he may have said that 21 we discussed so --</p> <p>22 Q. But you have no recollection of talking 23 to him -- him or any other official of the Jefferson 24 County School Board about the problem of Center Point 25 students?</p>

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<p style="text-align: center;">41</p> <p>1 A. No. 2 Q. Okay. All right. Are you familiar with 3 Focus? 4 A. Yes. 5 Q. What is Focus? 6 A. I don't remember what the acronym 7 stands for, but it was a group of people trying to 8 help form a Gardendale School System, or Gardendale 9 City School System. 10 Q. All right. Have you been a part of that 11 group? 12 A. I never joined, I wouldn't say, but I 13 tried to help them get the whole effort to get a 14 school system passed. 15 Q. All right. And have you -- 16 A. I mean, I don't know what kind of thing 17 you have to be to be a member, but I -- 18 Q. I see. Have you been to any of its 19 meetings? 20 A. I've met with the people, yes. 21 Q. And what people are you -- 22 A. The people that did Focus? Segroves 23 and Salters and -- what's Chris's last name? I'm 24 drawing a blank. 25 Q. Would it have been Chris Brown?</p>	<p style="text-align: center;">43</p> <p>1 Q. -- your -- 2 A. Probably. 3 Q. -- making a -- 4 A. Yes, probably. 5 Q. And -- 6 A. Well, I'm sure -- my recollection is 7 she thought we probably -- we should give some. And 8 if she did, I'm fine with that. 9 Q. All right. But you don't -- 10 A. So I'll accept that we did. 11 Q. Do you -- do you have separate checking 12 accounts? 13 A. No. 14 Q. Okay. 15 A. I'd be killed for that, separate 16 checking accounts. But I'm -- you know, any way I 17 could support the movement, I'm sure that -- that I 18 did. 19 Q. All right. And you -- you gave them \$500 20 of your campaign money? 21 A. I think that's correct. It might have 22 been that same conversation. 23 Q. Pardon me? 24 A. That might have been part of the same 25 conversation, are we going to -- are we supporting it</p>
<p style="text-align: center;">42</p> <p>1 A. No. Chris Brown is a political 2 consultant. 3 Q. Yeah. 4 A. Yeah. But, I mean, I know those people 5 who are part of Focus. Lucas. 6 Q. Chris Lucas. 7 A. Yeah. 8 Q. Yeah. And has your wife had any 9 involvement with Focus? 10 A. Yeah. I mean, I think we all were for 11 passing the school system. 12 Q. All right. And has she contributed money 13 to it? 14 A. I think we -- she probably did. 15 Q. And have you contributed personal funds 16 to it? 17 A. If she wrote the check, I'm sure we -- 18 I don't always -- I don't always know -- 19 Q. Indirectly? 20 A. -- what we contribute to, right. 21 Right. 22 Q. Directly or indirectly? 23 A. Right. 24 Q. But do you have any recollection of -- 25 A. Probably.</p>	<p style="text-align: center;">44</p> <p>1 so -- 2 Q. What is your relationship with Chris 3 Lucas? I mean, is he a friend of yours? 4 A. Not before any of the Focus stuff. 5 Q. That's how you got involved with him? 6 A. That's how -- that's how I know him. 7 Q. Yeah. 8 A. I might have known him a little bit 9 before that. You know, you know a lot of people when 10 you're in office -- 11 Q. Yeah. Yeah. Yeah. 12 A. -- just in passing. 13 Q. Yeah. 14 A. But that's when I would have been 15 around him more. 16 Q. And how about David Mowery? 17 A. David Mowery. I know David Mowery from 18 Montgomery. 19 Q. All right. Is he a member of the Focus 20 group, or does he live in Gardendale? 21 A. No, sir. 22 Q. Okay. Let me go back -- 23 A. This is the big, tall David Mowery that 24 does political consulting. 25 Q. I see. Mr. Lucas sort of consulted with</p>

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<p style="text-align: center;">45</p> <p>1 you with respect to how Focus should focus its 2 operations?</p> <p>3 A. They asked me -- yeah. I mean, I guess 4 everybody who is ever involved in something political 5 in and around my area has always asked me something 6 about it, whether they were going to run for school 7 board or run for whatever. Somebody usually asks me 8 what I think about whatever is going on.</p> <p>9 Q. And you and Mr. Lucas have talked about 10 this formation of the separate school system on more 11 than one occasion?</p> <p>12 A. I'm sure, yes, sir.</p> <p>13 Q. Who is Chris Brown?</p> <p>14 A. Chris Brown is my former campaign 15 consultant.</p> <p>16 Q. All right. Has he been -- does he live 17 in Gardendale?</p> <p>18 A. No, sir, he does not.</p> <p>19 Q. And has he provided any counseling or 20 advice to Focus or other groups in the Gardendale area 21 who were --</p> <p>22 A. He did talk to Focus, yes, sir.</p> <p>23 Q. All right. On more than one occasion?</p> <p>24 A. I wasn't on the calls, but I would have 25 expected him to.</p>	<p style="text-align: center;">47</p> <p>1 A. I do have a question.</p> <p>2 Q. Yes, sir.</p> <p>3 A. Can I go pay my meter again, or do you 4 think they're going to get me?</p> <p>5 Q. They probably will get you. You can go 6 pay your meter again.</p> <p>7 A. All right. Can we take a break?</p> <p>8 Q. They get me regularly.</p> <p>9 A. If you can't get me off, nobody can.</p> <p>10 THE VIDEOGRAPHER: This marks the end of 11 Tape 1. Off the record, 2:35 p.m.</p> <p>12 (Said deposition was in recess 13 at 2:35 p.m. until 2:49 p.m., 14 after which the following 15 occurred:)</p> <p>16 THE VIDEOGRAPHER: This is the beginning 17 of Tape No. 2. We're on the record, 2:49 p.m.</p> <p>18 Q. (BY MR. CLEMON:) Senator, before the 19 break, we -- I had mentioned the Mount Olive situation 20 and the concern of some Mount Olive citizens about the 21 proposed new school system.</p> <p>22 A. Yes, sir.</p> <p>23 Q. And you're aware of those concerns?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Tell us what -- what are they?</p>
<p style="text-align: center;">46</p> <p>1 Q. Yeah. Do you know whether he was hired 2 by them?</p> <p>3 A. I think they did hire him.</p> <p>4 Q. All right. To work on the --</p> <p>5 A. The campaign.</p> <p>6 Q. -- yes, the campaign to create a separate 7 school system?</p> <p>8 A. Uh-huh. Because it was going to 9 require the vote of the people to pass a revenue 10 measure.</p> <p>11 Q. All right. Now, might David Mowery also 12 have been consulted in connection with --</p> <p>13 A. I don't know for sure about David. I 14 mean, I wasn't involved in the nuts and bolts of that 15 part. I just -- you know, other than telling them, 16 "You need to find somebody."</p> <p>17 I don't remember how they ended up with 18 David. I would have -- I would have sent them to 19 Chris first because he had been my consultant.</p> <p>20 Q. Yes.</p> <p>21 A. So I don't even remember how they got 22 to David before they got to Chris.</p> <p>23 Q. All right. Now, the Mount Olive 24 community was concerned about the proposed new 25 Gardendale --</p>	<p style="text-align: center;">48</p> <p>1 A. Do you have a specific question?</p> <p>2 Because I could tell you the whole Mount Olive story, 3 and we'll be here like a long, long time.</p> <p>4 Q. Well, did you or didn't you sponsor some 5 annexation legislation?</p> <p>6 A. I was ready -- I was ready to. I don't 7 remember if I ever filed it or not. And I guess I 8 could look -- I guess I could have the legislative 9 reference.</p> <p>10 How do you explain Mount Olive? Okay. 11 Mount Olive and Gardendale, as far as I'm concerned, 12 from the time I was little have always been one place. 13 And my friends growing up lived in Mount Olive, we all 14 played ball together, we did all those things 15 together.</p> <p>16 Once we got to junior high, the Mount 17 Olive Elementary kids came to Bragg, we were all there 18 together, and, you know, some of my best friends were 19 from Mount Olive.</p> <p>20 When the school system thing came up, 21 the problem is --</p> <p>22 Q. You mean the -- the Gardendale School 23 System --</p> <p>24 A. The Gardendale School System effort --</p> <p>25 Q. Yes. Yes.</p>

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<p style="text-align: center;">49</p> <p>1 A. -- came up.</p> <p>2 Well, you can only have a school system 3 inside your city limit sign -- lines, which 4 immediately causes a problem for the whole area, not 5 just Mount Olive, but the Brookside -- the northern 6 area of Brookside and those kind of places.</p> <p>7 And when it all starting happening, 8 people from Mount Olive came to me and were saying, 9 "Well, we want to be part of it."</p> <p>10 So the question is how do you get Mount 11 Olive into the city? The reason it was uncomfortable 12 is because you had some people in Mount Olive who 13 didn't want to be a part of the city, and they were 14 talking about conflicts between the Mount Olive area 15 and the city that happened back when I was a little 16 kid. And people were still mad about it.</p> <p>17 And so there were people from Mount 18 Olive who not only didn't want to be in the city of 19 Gardendale, they didn't want a school system to 20 happen, they didn't want anything to happen. And they 21 started raising cane, coming up with whatever reason 22 they could come up with about why Gardendale shouldn't 23 be able to have a school system.</p> <p>24 It didn't matter to them; they just 25 didn't want it to happen. And they were willing to</p>	<p style="text-align: center;">51</p> <p>1 But then they were saying, "Well, that 2 won't be fair because we're paying 10 mills for a fire 3 district, and we'll be paying 10 mills for the 4 school."</p> <p>5 Well, the city of Gardendale said they 6 couldn't -- couldn't afford to buy the whole fire 7 district out.</p> <p>8 Q. Yeah.</p> <p>9 A. And then they were saying, you know, 10 "We'll sue because now we're being unequally taxed, 11 and part of the city will be under a full-time fire 12 district, part of them won't be."</p> <p>13 And so every time there was some option 14 of how to make this work, somebody came on and said, 15 "We'll sue somehow, some way."</p> <p>16 So like every angle we tried, even -- I 17 think one of the city council members came up with 18 this -- a tax district, and they could be -- have a 19 tax district to help pay that part and all that kind 20 of stuff.</p> <p>21 But Mount Olive was the only place 22 where people came and said, "Hey, look, we want to be 23 a part of this."</p> <p>24 And then a friend of ours that lives in 25 a part of Brookside, he wanted to figure out how to</p>
<p style="text-align: center;">50</p> <p>1 say whatever and do whatever. Now, that's -- that's 2 not really part of my part as a senator.</p> <p>3 So the idea was, all right, how do we 4 try to get -- how do we give people an option to do 5 it? And one of my ideas, well, let's figure out just 6 how to have a vote. Let the people of Mount Olive 7 vote, and if they vote to come in the city of 8 Gardendale, that solves our problem.</p> <p>9 Well, that sounded like a good idea 10 except that upper Mount Olive area is a fire 11 district -- part of a fire district. And the people 12 who run the fire district didn't want that to become 13 part of Gardendale. And because of our state law, you 14 have that issue with the six years back-fire dues and 15 all that kind of stuff.</p> <p>16 So, well, my first thought was, well, 17 we can -- if they vote and if it passes -- which I 18 think most people would have voted for it, I think -- 19 they would come into the city. And then we've got the 20 problem with the fire dues.</p> <p>21 And I -- part of the reason I 22 remembered that was some of the people -- and I can't 23 give names. It's kind of like people talking about 24 the establishment, you know, who all these folks 25 necessarily are.</p>	<p style="text-align: center;">52</p> <p>1 get in Gardendale. He does the sound stuff and stuff 2 for all the little events where you try to raise money 3 for the PTA and everything.</p> <p>4 Q. Who is that?</p> <p>5 A. What is Thomas' last name? It's 6 Thomas. I don't remember his last name. My wife 7 would remember. He's just Thomas to me.</p> <p>8 And so the whole Mount Olive thing -- 9 so I go out there, I'm trying to offer them a vote of 10 the people. The people who don't want to be a part of 11 the city are just raising cane. And it was just not 12 good politically. But I was willing to try it if 13 that's what we went to. But then the city came along 14 and said, "We can't even afford them."</p> <p>15 And I had told the city, "Well, if you 16 can't afford it, I'm not going to force it" --</p> <p>17 Q. Yeah.</p> <p>18 A. -- even though at one time I 19 probably -- you know, I would have been interested in 20 trying to fix it legislatively. But I thought the 21 best way to do it was try to let them vote. And that 22 never -- never occurred.</p> <p>23 Q. So that just didn't work out?</p> <p>24 A. No.</p> <p>25 Q. And so -- and you know that a lot of the</p>

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<p style="text-align: center;">53</p> <p>1 parents in Garden -- in Mount Olive are dissatisfied at 2 the fact that they would no longer be -- their kids 3 would no longer be in Gardendale schools after this 4 13-year transition period?</p> <p>5 A. Well, I would hope their kids graduate 6 but -- if they're already in there, 13 years, they'd 7 have time to graduate. But the area wouldn't be in 8 the school system anymore.</p> <p>9 Q. Yeah.</p> <p>10 A. Right.</p> <p>11 Q. But the ones who have kids who are two, 12 three years old --</p> <p>13 A. Yeah. I don't know what the -- well, I 14 can't look at him. But I don't remember what the 15 offer was. I thought it was -- I thought siblings 16 were included, but I don't -- I don't remember --</p> <p>17 Q. I see.</p> <p>18 A. -- for sure.</p> <p>19 Q. Yeah.</p> <p>20 A. To make sure, which I thought was a 21 pretty good idea -- I mean, you've got to trans -- 22 you've got to figure out how to make this happen some 23 way. But that's why I still thought the best thing to 24 do was try to give those -- those places that are 25 already in the system, no matter where they are, an</p>	<p style="text-align: center;">55</p> <p>1 A. I believe he lives in Gardendale. 2 Q. In Gardendale. Is that an area that was 3 once in Mount Olive, or did he move into Gardendale? 4 A. I don't know. I didn't really know 5 David until this stuff started. 6 Q. That's around 2012, '13? 7 A. Whenever the campaign was, yes, sir. 8 Q. Yeah. Yeah. Yeah. 9 A. So I don't know if he moved. I think 10 Chris Lucas moved, but I don't know if Salters lived 11 in somewhere else and moved or not. 12 Q. I see. All right. 13 A. I've lived in Gardendale forever. And 14 one of the reasons my wife and I -- which is why some 15 of this stuff bothers me, is that my wife and I made a 16 decision to live in Gardendale city limits hoping that 17 one day we would figure out how to have a Gardendale 18 City School System. 19 And my friends, the people who grew up 20 with me, the folks who didn't move away, you know, 21 they had to ask themselves do I buy an older home in 22 Gardendale that's smaller and try to fix it up and all 23 that kind of stuff, or do I build a new home right 24 outside Gardendale and either go -- still go to 25 Gardendale or go to Jordan or Corner or wherever?</p>
<p style="text-align: center;">54</p> <p>1 option if they wanted to come in the city because you 2 can't just let people go without paying part of the 3 taxes.</p> <p>4 Q. Yes.</p> <p>5 A. Because that was the whole thing. I 6 mean, that was the political campaign, was how do you 7 convince people in one of the most conservative places 8 in the world, maybe, to raise taxes on themselves --</p> <p>9 Q. Yeah.</p> <p>10 A. -- which was, you know --</p> <p>11 Q. Insofar as you know, Gardendale does not 12 intend to allow anyone who doesn't live in the city --</p> <p>13 A. I don't know. I don't know -- I don't 14 know what the transfer thing is. I know a lot of 15 people were talking about doing something similar to 16 what other systems do where you pay some kind of 17 tuition or transfer fee or -- I don't know. I don't 18 remember what that policy was.</p> <p>19 Q. I see. Yeah. Yeah. Yeah.</p> <p>20 A. Those things are outside of what -- 21 anything I had anything to do with.</p> <p>22 Q. I see. You mentioned that you know 23 Mr. Salters?</p> <p>24 A. I do know David Salters.</p> <p>25 Q. And where does he live?</p>	<p style="text-align: center;">56</p> <p>1 And that's been part of the whole thing 2 I think a lot of people miss on this school system 3 thing, is there is an economic impact. You know, we 4 are a very old -- older community because the kids 5 grow up and move down 280, move to Hoover, move 6 somewhere. Their parents stay in Gardendale. 7 And then when the parents pass away, 8 there's nobody -- why do you buy an older home in 9 Gardendale? And the selling point for other cities is 10 because we've got really good schools. Bring your 11 kids here, bring -- you know, and it'll be great. But 12 we can't make that argument.</p> <p>13 Q. Well, haven't -- haven't there been some 14 developments -- residential developments in Gardendale?</p> <p>15 A. Yeah. Yeah. I mean, we've done 16 okay --</p> <p>17 Q. Yeah.</p> <p>18 A. -- through the years.</p> <p>19 But the old neighborhoods like I grew 20 up in, you know, their home values and stuff like that 21 haven't -- haven't grown.</p> <p>22 Q. Yeah.</p> <p>23 A. And part of it is why do you do it? 24 I had some friends -- what are their 25 names? They moved away. They moved to Nashville. I</p>

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<p style="text-align: right;">57</p> <p>1 say "friends." We knew them because my kids were on 2 the soccer team with them.</p> <p>3 And when they moved back to -- they 4 came back down here, got transferred back. And they 5 had relatives that live in Blount County. So they 6 wanted to live in Gardendale because it would be quick 7 to go to their relative's in Hayden.</p> <p>8 And so the wife says, "Well, you know, 9 why don't we look at the school thing?"</p> <p>10 So they get on the Internet, and they 11 research how good the schools are. They move to 12 Shelby County. And when you look on these things and 13 it says, you know, this school here on the south side 14 of town is great, it's got a great ranking, and then 15 our score is not very good, people are just looking -- 16 I mean, those were people who lived there who moved 17 away.</p> <p>18 And people forget all that kind of 19 stuff. I mean, part of that whole effort was to 20 give -- be a growth engine to keep the city 21 prospering, or try to keep the city prospering. I 22 mean, I grew up there. I just --</p> <p>23 Q. You live, I take it, in one of the newer 24 subdivisions?</p> <p>25 A. I do. I live up by the -- up by the</p>	<p style="text-align: right;">59</p> <p>1 THE VIDEOGRAPHER: Any other questions by 2 phone?</p> <p>3 MR. COLVIN: I don't have any questions.</p> <p>4 MR. ROWE: No questions. Thank you,</p> <p>5 Senator.</p> <p>6 THE VIDEOGRAPHER: This marks the end of 7 Tape No. 2 and concludes the deposition. We're going 8 off the record, 3 o'clock p.m.</p> <p>9 (Deposition concluded at 3:00 p.m.)</p> <p>10 FURTHER THE DEPONENT SAITH NOT</p>
<p style="text-align: right;">58</p> <p>1 old golf course.</p> <p>2 Q. Yeah.</p> <p>3 A. And -- but it's on the -- I don't know 4 how familiar you are with Gardendale, but I live in 5 the New Castle area.</p> <p>6 Q. Yeah. Do you -- do you know the 7 community called North Smithfield Manor?</p> <p>8 A. I do. I do.</p> <p>9 Q. And how far is that from Gardendale?</p> <p>10 A. I don't know. I just know you go down 11 the interstate right there. It's on -- it's on the 12 other side of Fultondale.</p> <p>13 Q. I see. Did you ever propose a vote of 14 the North Smithfield Manor area?</p> <p>15 A. No. And no one ever contacted me from 16 there. And I wasn't the senator from there.</p> <p>17 Q. All right.</p> <p>18 A. Which I'd be cool with that. I mean, 19 like I said, anybody inside the -- that was going to 20 Gardendale I would love to have the opportunity, but 21 you've got to be part of Gardendale.</p> <p>22 Q. Yeah. Yeah.</p> <p>23 MR. CLEMON: That's all I have.</p> <p>24 THE WITNESS: If you'd have told me that, 25 I wouldn't have gone down and done the meter.</p>	<p style="text-align: right;">60</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 STATE OF ALABAMA)</p> <p>4 JEFFERSON COUNTY)</p> <p>5</p> <p>6 I hereby certify that the above proceedings 7 were taken down by me and transcribed by me using 8 computer-aided transcription, and that the above is a 9 true and correct transcript of the said proceedings 10 given by said witness.</p> <p>11</p> <p>12 I further certify that I am neither of counsel 13 nor of kin to the parties to the action, nor am I in 14 anywise interested in the result of said cause.</p> <p>15</p> <p>16 I further certify that I am duly licensed by 17 the Alabama Board of Court Reporting as a Certified 18 Court Reporter as evidenced by the ACCR number found 19 below.</p> <p>20</p> <p>21 COMMISSIONER - NOTARY PUBLIC</p> <p>22</p> <p>23</p> <p>24 J. ASHLEY ARROWOOD, CSR, RPR</p> <p>25 ACCR #480 - Exp. 9/30/2016</p>